



2016 CHAPTER 18

PART 2

LACK OF CAPACITY: PROTECTION  
FROM LIABILITY, AND SAFEGUARDS

CHAPTER 5

ADDITIONAL SAFEGUARD: INDEPENDENT MENTAL CAPACITY ADVOCATE

**Section 35: relevant acts**

**36.—**(1) In section 35 “relevant act” means any of the following—

- (a) an act which amounts to a deprivation of P’s liberty, or one of a number of acts that together amount to such a deprivation;
- (b) the imposition on P of a requirement to attend at a particular place at particular times or intervals for the purpose of being given treatment that would or might be treatment with serious consequences;
- (c) the imposition on P of a community residence requirement;
- (d) the provision of serious compulsory treatment;
- (e) a serious compulsory intervention not falling within paragraphs (a) to (d).

(2) For the purposes of subsection (1)(d) an act is “the provision of serious compulsory treatment” if—

- (a) it is, or is done in the course of, the provision to P of treatment with serious consequences; and
- (b) the treatment is carried out despite a reasonable objection from P’s nominated person or subsection (4) applies.

(3) For the purposes of subsection (1)(e) an act is a “serious compulsory intervention” if—

- (a) it is, or is part of, a serious intervention; and
- (b) the intervention is carried out despite a reasonable objection from P’s nominated person or subsection (4) applies.

(4) This subsection applies if—

- (a) the act—
  - (i) is resisted by P (see section 68); or
  - (ii) is done while P is subject to an additional measure (see section 23);and
- (b) the circumstances are such as may be prescribed.